

**Cumberland Township Board of Supervisors
1370 Fairfield Road, Gettysburg, PA 17325
September 25, 2018 Meeting Minutes**

The meeting was called to order at 7:00 p.m. by Chair Underwood. Present were Supervisors: Underwood, Phiel, Waybright and Toddes; Manager Ben Thomas, Jr., Solicitor Sam Wiser, Police Chief Don Boehs, Township Engineer Tim Knoebel and Secretary Carol Merryman. Also present were: Mary Grace Keller from the Gettysburg Times, representatives from Woodhaven Building and Development, Rick Klein and approximately fifteen residents.

Chair Underwood led the Pledge of Allegiance.

As advertised, Solicitor Wiser presented Ordinance 2018-174 authorizing the Township to enter into an Intergovernmental Cooperation Agreement with Carroll Valley Borough for building code services. Solicitor Wiser stated that the Township currently collaborates with Carroll Valley Borough in providing the building code services and this agreement will formalize the relationship to allow Dave Baker, Carroll Valley's Building Code Official or another qualified official from Carroll Valley Borough, to provide building code services to Cumberland Township on an "as needed" basis. Mr. Thomas stated that he feels that the Township will see a savings in their budget by consolidating and through the intergovernmental cooperation. Mr. Thomas added that he feels that the service will be more expeditious than through a "third-party" inspection agency. Solicitor Wiser suggested that action be taken under the SOLICITOR'S portion of the agenda.

Mr. Toddes made a motion seconded by Mr. Phiel and carried to approve the Minutes of the August 23, 2018 workshop meeting and the August 28, 2018 regular meeting.

Mr. Thomas reported that the Bills List includes two payments that are "in and out" transactions for the Township. The first being the Firefighter's Relief payment in the amount of \$41,994.16 and the second the payment of the 2018 Township Minimum Municipal Obligation in the amount of \$170,261.00 **Mr. Waybright made a motion seconded by Mr. Toddes and carried to approve the bills in the amounts stated of: \$246,774.36 from the General Fund, \$4,414.30 from the Escrow Fund, \$100,802.33 from the Fire Tax Fund and \$5,660.51 from the Capital Reserve Fund, Mr. Waybright made a motion to approve the transfer of \$49,706.94 from the General Fund to the Health Insurance Account seconded by Mr. Phiel and carried.**

Public comment:

Mrs. Jean Stone, 1745 Mummasburg Road, representing the Concerned Residents of Cumberland Township, presented a petition with 259 resident's signatures asking the Board of Supervisors to keep the budget under control and stating: "the undersigned are against any property tax increase and additional debt for the proposed renovation project".

Ms. Cynthia Cogswell, 10 Thrush Court, asked about the Cumberland Village, Phase II, SALDO waivers and stated that the Homeowner's Association was concerned that it may be in regards to the wetlands in their phase of the development because they were seeing activity there. Mr. Thomas asked Mr. Knoebel to respond to Ms. Cogswell's question under his portion of his agenda.

Chair Underwood read a Supervisor's statement regarding Oak Lawn Cemetery with information regarding the investigation by the Cumberland Township Police Department, maintenance of the cemetery by both volunteers and public resources, the formation of a Joint Action Committee tasking the solicitors for the Township and Adams County with identifying a sustainable legal option for the continued care of the cemetery, hopes that the property owner will do the right thing and meet the maintenance expectations and that Cumberland Township will utilize all enforcement tools available to

encourage that.

Engineer/Plans:

Mr. Knoebel explained to Ms. Cogswell that the SALDO waivers that were discussed at the last workshop were in regards to Cumberland Village, Phase 2, which is on the opposite side of Herr's Ridge Road and there are no houses there yet.

Mr. Knoebel reported that the Township received a request from Scott and Michelle Milhimes to release financial security being held for their land development on Chambersburg Road. Mr. Knoebel recommended that the financial security could be released. **Mr. Toddes made a motion to release financial security, in the amount of \$3,473.80, for Scott and Michelle Milhimes, seconded by Mr. Phiel and carried.**

Mr. Knoebel also reported that the Gettysburg Battlefield Resort, located on Emmitsburg Road, has been working on approval of a land development plan for a private community wastewater treatment plant to serve the entire campground and replace existing on-lot drain fields. He added that they are also stakeholders in the Greenmount Sewer Study and recommended that the plan be tabled because there are a few more comments that they are working to address.

Mr. Waybright made a motion seconded by Mr. Toddes and carried to grant a time extension for approval of the Musket Ridge Land Development Plan until December 31, 2018 to allow them time to address the engineer's comments.

Mr. Phiel made a motion seconded by Mr. Toddes and carried to grant a time extension for approval of the Wayne and Susan Hill Minor Subdivision Plan until December 31, 2018 to allow them time to address the engineer's comments.

Mr. Toddes made a motion seconded by Mr. Phiel and carried to grant a time extension for approval of the Hartman, Maitland and Croy Property Minor Subdivision Plan also until December 31, 2018.

Mr. Knoebel asked that the Cumberland Crossings amended Developer's Agreement be handled under the SOLICITOR portion of the meeting.

Mr. Knoebel reported that the dedication of the streets in Phase 1C (Friendship Lane and Thrush Court) has been pending, there is still some work that needs to be done with the stormwater items and he feels that it would be appropriate to have these items done before the Township takes dedication of the streets. He also mentioned the construction of the foot bridge and hopes to have more information on that by the next meeting. **Mr. Waybright made a motion to table the request from Cumberland Village, Phase 1C for dedication of Friendship Lane and Thrush Court, seconded by Mr. Phiel and carried.**

Mr. Knoebel updated the Board on the status of the KSS Land Development Plan located on Barlow Greenmount Road. The revised grading and stormwater plan has been approved, a pre-construction meeting did take place on September 20, 2018 with everyone present and they met with the neighbors, Mr. and Mrs. Gross, after the meeting.

Mr. Knoebel reported that they are finishing up the Greenmount Sewer Financial Study. He also reported that they met with staff regarding MS4 and no annual report is required to be submitted until September, 2019.

Police Report: Police Chief Don Boehs presented a written and oral report of police activities for the month of August, 2018 including: 473 complaints (a sampling of which are) - Psych/suicide-5,

Disturbances-8, Assault/Harassment-1, Domestic-11, Criminal Mischief-0, Suspicious Activity-13, Thefts-2, Alarms-8, Medical Emergency-8, 911 Hang Up-4, Cruelty to Animals – 0, Wanted Person – 1, Reported Drug Activity – 1, Welfare Checks – 18, Shots Fired – 0, Fraud – 3, Burglary – 0, Sexual assault-2, Follow-up Investigation-62, SRO Calls - 4; 130 traffic stops, 145 combined arrests, 7 traffic accidents, 71 targeted enforcements and 12,770 patrol miles. He added that they assisted other agencies 14 times and they were assisted twice. Assists to Pa. State Police were in Straban - 2 and Highland - 1. Police Chief Boehs reported that they had 58 walk-in complaints.

Active Business:

Mr. Thomas reported that the Township received a letter from Attorney John Phillips indicating that he will no longer be able to serve as Solicitor to the Cumberland Township Zoning Hearing Board as of January 1, 2019. **Mr. Toddles made a motion to accept, with regret, the resignation of Attorney John Phillips as Solicitor to the Township's Zoning Hearing Board. The motion was seconded by Mr. Waybright and carried.**

Mr. Thomas reported that the Township received \$154,584.82 from the Commonwealth of Pennsylvania in state aid for the Municipal Pension Plans. He added that the Township must make their annual Minimum Municipal Obligation payments for each Pension Plan in the amounts of: Non-Uniformed Pension Plan - \$50,142.00 and Police Pension Plan - \$120,119.00; a difference of \$15,676.18 that will be paid from the General Fund. **Mr. Toddles made a motion to approve the payment of the 2018 Minimum Municipal Obligations for the Pension Plans, as stated, seconded by Mr. Waybright and carried.**

Mr. Thomas also reported that the Township received \$41,994.16 from the Commonwealth of Pennsylvania for the state aid allocation supporting the Volunteer Firefighters Relief Association of the host fire company and Cumberland's is Barlow Firefighters Relief Association. Mr. Thomas added that the Firefighters Relief Association is a separate entity from the Fire Department and it supports the firefighters. **Mr. Waybright made a motion to approve the \$41,994.16 state aid allocation be forwarded to the Barlow Firefighters Relief Association seconded by Mr. Phiel and carried.**

Solicitor: Solicitor Wisner reported that Cumberland Crossings is seeking approval, by way of an amendment to their Developer's Agreement, for interim sewage facilities to be used until their sewage pumping station is completed. He added that the developer has stated that the specifications for the pumping station were changed creating the delay. Solicitor Wisner added that the interim sewage facilities would be holding tanks. He reported that that the Developer's Agreement has been amended and incorporates: a timeline for the completion of the pumping station; installing a visible alarm system on the holding tanks; a final grading and seeding requirement; the developer is solely responsible for the continued monitoring and pumping of the holding tanks; establishes an amount of financial security; provides that any Use and Occupancy permits for the structures that are connected to the holding tanks will be conditional and will provide the right of the Township to, in the event of a default, revoke the conditional permits; requires the developer to provide pumping records for the holding tanks and provide the Township with an executed copy of the pumping agreement with the licensed hauler. Solicitor Wisner reported that the Township has received a plan document that depicts where the holding tanks are located and are in accordance with the engineer's review. Solicitor Wisner confirmed that the developer can have four conditional Use and Occupancy permits for dwellings to be connected to the two holding tanks. **Mr. Toddles made a motion to approve the four conditional Use and Occupancy permits to be issued for Cumberland Crossings seconded by Mr. Phiel and carried.**

Solicitor Wisner also asked the Board to take action on Ordinance 2018-174 and the Intergovernmental Cooperation Agreement with Carroll Valley Borough to provide building code services to the Township that was discussed at the beginning of the meeting. **Mr. Toddles made a motion seconded by Mr. Waybright and carried to adopt Ordinance 2018-174 and the Intergovernmental Cooperation**

Agreement with Carroll Valley Borough.

Solicitor Wisner requested an Executive Session with possible action after regarding an enforcement matter relating to a Developer’s Agreement.

Police Chief Don Boehs introduced Lane Hartley, the newest member of the Cumberland Township Police Department. He stated that Lane has a military background and his father is also a police officer.

Committee Reports and comments from Board Members:

Finance – Police Sergeant Tim Biggins spoke to the Board regarding the replacement of the police officer’s uniforms using Reds the Tailor. He reported that the shirt color and patch colors have been altered a little. He added that everything is custom fit and does not require alterations. Sergeant Biggins also reported that they will be switching this year, but the billing will not be done until the next year and this has been approved by the Finance Committee. **Mr. Phiel made a motion to switch the uniform company for the Police force seconded by Mr. Toddes and carried.**

Public Safety – Chair Underwood stated that the committee recommends appointments for Code Enforcement including the police officers; Michele Long and Ben Thomas, alternate. Mr. Waybright added that the Police Department will be issuing citations for grass and weeds, snow removal and vehicle violations. **Mr. Waybright made a motion to appoint the Police Department as the Township Code Enforcement Officers; Michele Long and Ben Thomas, alternate, seconded by Mr. Phiel and carried.**

Parks and Recreation – Mr. Toddes reported that it is wet and they are mowing when they can.

CTA – Mr. Toddes reported that C.E. Williams has started the paving at the North Plant and they are working on the bridge replacement on Rt. 116.

COG – meets tomorrow.

CT411 – Trick or Treat will be held October 31, 2018 from 6:00 p.m. to 8:00 p.m.

Personnel, Highway, Planning and Zoning, Building and Grounds, Economic Development – No reports.

Mr. Thomas offered to meet with Ms. Cogswell and give her information regarding municipal governments in Pennsylvania.

The Zoning Officer and Secretary/Treasurer’s reports were reviewed.

Unless otherwise noted, all votes were unanimous. The meeting was adjourned at 8:10 p.m. for an Executive Session.

The meeting was reconvened from Executive to Regular Meeting session at 8:37 p.m. Motion of Toddes – Waybright approved terminating the Developer’s Improvement Construction Agreement, dated September 24, 2013, between the Township of Cumberland and S & A Homes, Inc. for Cannon Ridge Development and authorized the Solicitor and Staff to utilize corrective remedies.

The Regular Meeting was adjourned at 8:38 p.m.

Carol A. Merryman, Secretary

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